CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
Maura Roche		Squad #10	201810167	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Wednesday, 10/03/2018 8:00 A	ΔM	§ 87(2)(b)		14	4/3/2020	11/18/2020
Date/Time CV Reported		CV Reported At:	How CV Reported	l: Date/Time	e Received at CCI	RB
Thu, 12/06/2018 3:32 PM		CCRB	Phone Thu, 12/06/2018 3:32 PM			
Complainant/Victim	Туре	Home Add	ress			
Witness(es)		Home Add	ress			
Subject Officer(s)	Shield	TaxID	Command			
1. SGT Thomas Manning	01789	930644	MTS PCT			
Officer(s)	Allegat	ion		Inve	estigator Recon	nmendation
A.SGT Thomas Manning	Abuse: Sergeant Thomas Manning entered					
	§ 87(2)(b) in Manhattan.			an.		

Case Summary

On December 6, 2018, civil attorney § 87(2)(b) filed this complaint on behalf of his clients, § 87(2)(b) and § 87(2)(b) with the CCRB by phone. This case was reassigned from Investigator Woroniecki to Investigator Roche on July 25, 2019. On October 3, 2018, at approximately 8 a.m., Sgt. Thomas Manning, of the 14th Precinct, and her assistant, § 87(2)(b) to§ 87(2)(b) § in Manhattan so who had been fired by email the night before, could retrieve what she claimed to be personal property. Sgt. Manning entered the building, walked past the security guard, \$87(2)(6) and went up to \$37(2)(b) Sgt. Manning entered the private office space leased by \$37(2)(b) and §87(2)(b) (Allegation A: Abuse of Authority – Entry of Premises, §87(2)(9) and spoke with employees, § 87(2)(b) and \$87(2)(b) who confirmed that \$87(2)(b) had worked there. After speaking with the employees, Sgt. Manning escorted \$37(2)(5) into the office space, and she removed items that she identified as her personal belongings with an estimated value of over \$100,000. A referral for this portion of the complaint was sent to IAB under CCRB case number 201910636.

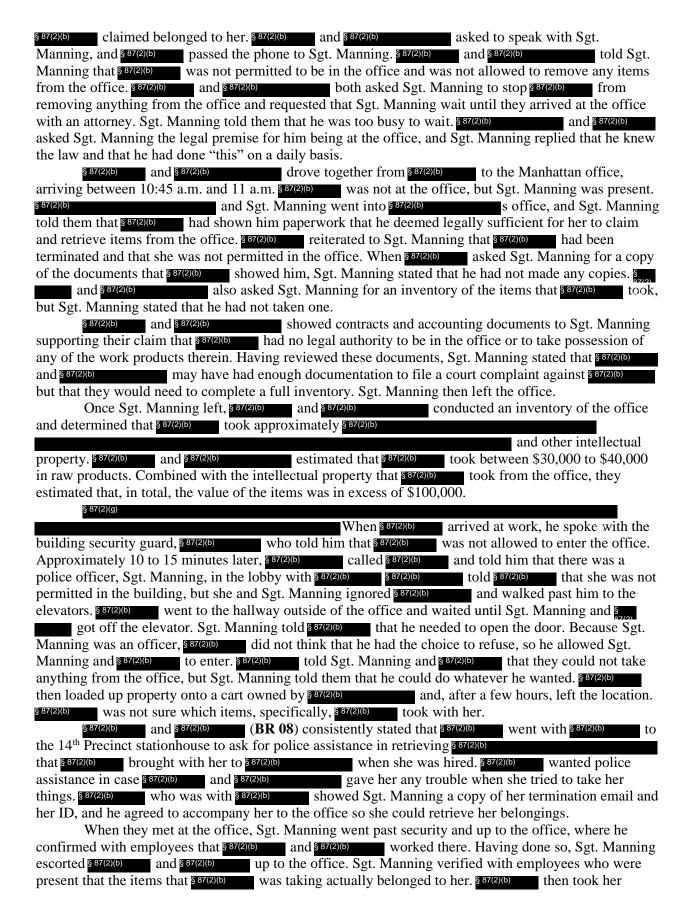
No arrests or summonses resulted from this incident.

The investigation obtained short clips of security footage of the incident, which were combined into one contiguous video (BR 01). There was no body-worn camera footage of the incident (BR 02).

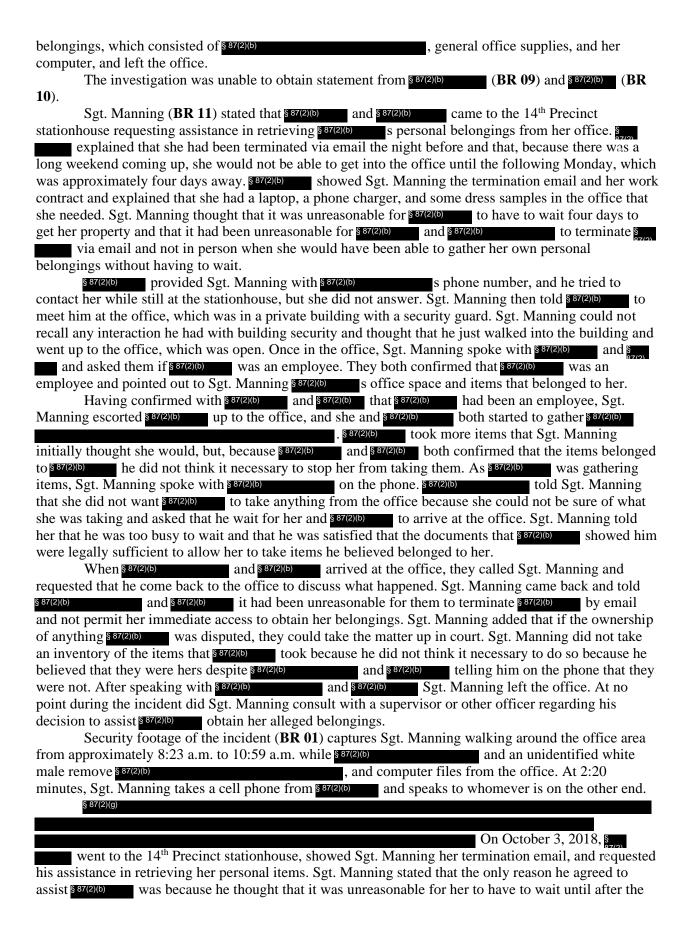
Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Thomas Vianning entered 8 87(2)(b) 87(2)(b) 87(2)(b) 87(2)(b)
in Manhattan.
It was undisputed that on October 3, 2018, at approximately 8 a.m., Sgt. Manning entered
in Manhattan so that §87(2)(b) who had been terminated the day prior,
could retrieve what she claimed to be her personal property. It is also undisputed that \$87(2)(b)
and § 87(2)(b) the owners of the business, § 87(2)(b) had told § 87(2)(b) that she could not
enter the office and that §87(2)(b) was not in possession of a court order indicating that she had
permission to enter the premises or to retrieve her belongings.
§ 87(2)(b) (BR 03) and § 87(2)(b) (BR 04) provided consistent statements. § 87(2)(b)
and § 87(2)(b) were co-presidents of the § 87(2)(b)
. Their office was located
within a private building that was not open to the public. In order to gain entry to the office, individuals
needed to be pre-approved and pass through security in the lobby.
On May 21, 2018, § 87(2)(b) and § 87(2)(b) entered into a business partnership with § 87(2)(b)
who was a \$87(2)(b) was hired as a private contractor, and her assistant,
was hired as an employee. Based on the non-binding term sheet (BR 05), \$87(2)(b) agreed to
provide designs and business contacts while \$87(2)(b) agreed to supply the raw goods and cover
the manufacturing costs for the designs.
On October 2, 2018, §87(2)(b) and §87(2)(b) decided to terminate their partnership
with \$87(2)(b) because she had not delivered any of the sales goals she had promised. \$87(2)(b)
emailed [887(2)(b)] (BR 06) and told her that the business relationship was over. In the email,
requested that \$87(2)(b) take some time to think about how to proceed and told her not to come
in to the office until October 8, 2018, at the earliest. §87(2)(b) also sent a termination email to
That same day, § 87(2)(b) and § 87(2)(b) in person, told the building security guard,
that § 87(2)(b) and her assistant had been terminated and were not permitted into the
office without their authorization.
On October 3, 2018, at approximately 8 a.m., §87(2)(b) and §87(2)(b) who were
working remotely from their homes in \$87(2)(b) received a phone call from an employee, \$87(2)(b)
who told them that Sgt. Manning and \$87(2)(b) were at the Manhattan office and were taking items that

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long weekend to retrieve her personal items. Sgt. Manning entered the private office space, bypassing the security guard, and thereby assisted \$87(2)(b) is retrieving items, the ownership of which was disputed. The exact value of the items \$87(2)(b) took was estimated to be over \$100,000. did not have a court order indicating that she was permitted to enter the business or to retrieve the items she stated were hers. Patrol Guide procedure 214-13 (BR 12) states that uniformed members of the service should be cognizant that incidents to which they respond may be the outgrowth of a civil process. The authority to break and enter pursuant to purely civil process such as repossessions, evictions, and civil commitments is given to the city marshal/sheriff. The only assistance which the police must render to a marshal is the general mandate of the New York City Charter to preserve the peace and protect life and property. In See v. Seattle, 387 U.S. 541 (1967) (BR 13), the court held that administrative entry, without consent, upon the portions of commercial premises which are not open to the public may only be compelled through prosecution or physical force within the framework of a warrant procedure. Civilian and Officer CCRB Histories This is the first CCRB complaint to which §87(2)(b) has been a party (**BR 14**). This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 15**). This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR 16**). Sgt. Manning has been a member of service for 17 years and has been named in five CCRB complaints and 11 allegations, none of which were substantiated. § 87(4-b), § 87(2)(g) Mediation, Civil and Criminal Histories and § 87(2)(b) declined to mediate this case. On November 24, 2019, a Notice of Claim was submitted to the Comptroller's office, the results of which will be added to the case file upon receipt (BR 17). According to the Office of Court Administration (OCA), \$87(2)(b) has no history of convictions in New York City (BR 18). According to the Office of Court Administration (OCA), SECOND has no history of convictions in New York City (BR 19). According to the Office of Court Administration (OCA), \$87(2)(5) has no history of convictions in New York City (BR 20). Squad No.: 10

CCRB Case # 201810167

Inv. Maura R. Roche

Investigator:

Signature		Print Title & Name	Date
Squad Leader:			
•	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date